

MINUTES OF THE PLANNING COMMISSION
Newberg School District
Administration Board Room
714 E. Sixth - Newberg, Oregon
Thursday, 7:00 PM **March 19, 1992**
Subject to P.C. Approval at 4/16/92 P.C. Meeting

I. OPEN MEETING - ROLL CALL

Vice-Chair Kriz opened the meeting.

Planning Commission Members Present:

Jack Kriz
Rob Molzahn
Mary Post
Carol Ring
Steve Roberts

Staff Present:

Dennis Egner, Planning Director
Sara King, Associate Planner
Barb Mingay, Recording Secretary

CAP Members Present:

Sid Friedman

Citizens Present: 15

II. APPROVAL OF MINUTES

Motion: Molzahn-Roberts to approve minutes of the February 20 and February 27, 1992 meetings as distributed. Motion carried unanimously.

For the benefit of the audience, it was noted that Public Hearing Agenda item 4 will be continued to the next regular Planning Commission meeting.

Planning Director Egner read ORS 197 requirements for public hearings into the record.

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III. PUBLIC HEARING

Applicant: Stuart Lindquist
Request: Approval of a 74 lot residential subdivision on a 819,740 sq. ft. parcel and a modification to the street width standards
Zoning: R-1 Low Density Residential
Location: North of Harvard, South of Quail, West of College
Tax Lot: 3207DB-4200, 3207-3100
Criteria: Newberg Subdivision Ordinance

No abstentions, objections to jurisdiction or ex-parte contact were identified.

Staff Report: Planning Director Egner identified the site location and site plan on an overhead. He reviewed the Subdivision and Zoning Ordinance criteria, Comprehensive Plan policies and modification standards which apply to the site. He noted that application was for a 74 lot residential subdivision on 2 undeveloped parcels. He reviewed street width standards and highway access limitations. He reviewed the staff referral comments from ODOT relating to access requirements, Engineering Dept. concerns relating to drainage on the site, and School District concerns. He distributed material from Common Ground relating to a moratorium on development based on School District expansion limitations. He noted that ORS 197.505-540 allows the ability to impose a building moratorium based on local Comprehensive Plan language. However, Newberg Comprehensive Plan language will not allow a moratorium based on the School's inability to accommodate new residential growth. He noted that the conclusion of the report was that it was inappropriate to limit development at this time until more specific data is received from the School District. He noted that the subdivision substantially meets Subdivision criteria including street and intersection spacing. He indicated that the site has evidence of hydrology and hydric soils and that the Division of State Lands recommends, but cannot require, a determination of wetlands. Based on the low level of traffic from the modified cul-de-sac widths, he felt the modification was justified. He reviewed Staff Report conditions including non-remonstrance requirements and dedication of Tract A.

Proponent: Stuart Lindquist, POB 42135 Portland OR, indicated he had been working with the staff to develop an acceptable project. He requested approval of the subdivision.

Proponent: Tom Burton, Burton Engineering, project engineer, indicated he would be happy to respond to questions from the Commission.

Proponent: Mike Herring, Pro West Properties, 312 Sunset Drive, supported the project,

Proponent: John Owens, Century 21, supported the project.

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Opponent: Ron Niehus, 204 Quail Drive, indicated he was a resident of Quail Drive for 7-8 years. He expressed concern about the drainage from the site. He commented that the area was quite a wetland. He added that one of the factors the State uses for determining wetlands was whether cattails grew on the site and he thought there were cattails on the site. He noted it was also a wildlife area with a large population of pheasants. He noted that approximately 2 years ago there was a sewer drainage problem from the property to the north. There were some corrections done at that time, however, he was concerned that the impact of the subdivision on the existing drainage system would be great. He noted that the site currently houses one of the only approved archery ranges in the City. He also noted concern about light pollution from the street lights. He requested that mercury vapor lights not be installed. He noted that the adjoining neighborhood typically views the stars through a telescope in the summertime and that activity would be limited by extensive light from the streets lights of the proposed subdivision.

Questions to Proponent:

Commissioner Molzahn asked Mr. Lindquist about the wetlands requirements. Mr. Lindquist indicated that there was a 30 inch concrete tile dumping water into the site from the adjacent subdivision. He noted that this property was dry until the concentration of drainage from the Quail development was directed at the site and it became wet. He noted that Burton Engineering proposed to pipe the water. He indicated that DSL does not identify the site as a wetland and there are no wetlands to his knowledge on the site.

Leonard Farr, 208 E. Quail, asked whether a qualified wetlands specialist has reviewed the site. Mr. Lindquist indicated that no qualified specialist has viewed the site but it has not been classified as a wetlands by DSL. Mr. Farr expressed concern about the qualification of the site as a wetland and he felt that Mr. Lindquist was not a qualified wetland expert. Mr. Lindquist indicated that the site had previously been farmed but that since development of the subdivision to the north, the site had become wet from the subdivision drainage.

Commissioner Roberts asked Mr. Burton about the topographic maps which indicate that a portion of the site has a low spot.

Mr. Burton identified the site on the map and he stated that there was a continuous slope through the site. He noted that a portion of the site had a ditch but that it ended abruptly and the water spread out over the site to a well defined ditch on the west of the property. He indicated he was not a wetlands expert but has gone on trips with wetlands experts. He indicated that they look for ponding among other things. He indicated that there is no ponding on the site. He added that wetland type plants do not appear to exist on the site. He indicated he has walked the site and it did not appear to be a wetland.

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Planning Director Egner noted that the City does not regulate wetlands. He noted that the Division of State Lands and the Army Corp. of Engineers regulates wetlands. Mr. Egner noted that this site is not an identified wetland on the DSL map, but it may be a wetland. He added that at this point the City does not have the ability to regulate the wetland identification on this site.

Mr. Niehus indicated that he has walked the site and can identify several definite drop offs north of the fourth cul-de-sac bulb. The drop off was created by the dumping of material when the streets were put in the subdivision to the north.

Letters/Public Agencies: Mr. Egner noted that the State Highway Department had concerns that lot 74 take access as far to the west as possible. He indicated that Common Ground also had included a letter.

Proponent Rebuttal: Mr. Lindquist indicated he did not feel that the site was a wetlands.

Staff Recommendation: Planning Director Egner recommended that the Commission approve the subdivision site plan subject to staff report findings and conditions.

Hearing Closed.

Commission Discussion:

Commissioner Molzahn asked Mr. Egner about modifying the cul-de-sac width. Mr. Egner indicated that the bulb width was the same as normally required. He indicated that developments on Henry and Meridian had smaller bulbs than that proposed by the applicant. Mr. Egner felt that the proposed 28 ft. width was adequate to serve that number of lots. He indicated that with the Fire Department proposal to limit parking on one side, the width would be more than adequate. Mr. Egner indicated that some of the minor design details could be adjusted with the applicant.

Commissioner Molzahn asked about the church being required to take access from the site. Mr. Egner indicated that he talked with representatives of the church relating to access prior to submission of the subdivision application.

Motion: Molzahn-Post to approve the subdivision based on staff report findings and conditions. Motion carried unanimously.

Planning Director Egner reviewed the appeal procedure.

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IV. PUBLIC HEARING

Applicant: Osmin Sanchez
Request: Annexation of a 1.4± acre parcel of land
Zoning: AF-10 to R-2 Medium Density Residential
Location: 1014 Charles
Tax Lot: 3219DC-3700 (part)
Criteria: Newberg Subdivision Ordinance, Newberg Zoning Ordinance

No abstentions, objections to jurisdiction or ex-parte contact were identified.

Staff Report: Planning Director Egner indicated that the applicant had requested continuance of the hearing to the next regular Planning Commission meeting. He recommended that the Commission continue the hearing.

Motion: Roberts-Molzahn to continue the hearing to the April meeting with no further continuance. Motion carried by voice vote.

V. RURAL GROWTH POLICY STUDY - G-12-91 - DISCUSSION

Planning Director Egner reviewed the results of last months meeting, the selection criteria which were used at the last meeting, and a report that he had completed while working with the Benkendorf Associates relating to growth management and the effects of an urban growth boundary. He reviewed the areas that the Planning Commission included and excluded last month. He indicated that the process is at the preliminary stages at this time. He indicated that a 45,000 population was being addressed. He noted that those areas included last month would provide for a population of approximately 36,000. He indicated that the Commission should discuss the remaining areas and then the method of packaging the material for presentation to the Council and other interested groups.

Vice-Chair Kriz gave an overview of where the Commission was at in the process.

Mr. Egner noted that action by the Council at this time would probably not be a formal hearing and that this step would occur later.

The Commissioners then began discussion of specific areas.

Area G2 discussion:

Mr. Egner indicated that the area could be easily served by the pump station scheduled to be built in area F.

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Commissioner Roberts indicated that expansion beyond Spring Creek was not necessary and he did not feel that there was justification to jump the natural boundary.

Commissioner Molzahn asked about the flow of Springbrook Creek. Mr. Egner noted that it was a year-round creek containing wetlands.

CAP member Sid Friedman indicated that it was a year-round creek.

Commissioner Molzahn felt that a road would be more of a barrier than the creek and that there was the capacity to serve the area.

Mr. Egner indicated that this site doesn't adequately satisfy the criteria relating to natural boundaries.

Vice-Chair Kriz asked if resource land in this area was zoned AF-10 or AF-20. Mr. Egner indicated that this portion of resource land was AF-20 and EF-40.

The Commissioners reviewed the County zoning map designations for the various areas.

Commissioner Roberts felt that the densities of the land brought in would not all necessarily be R-1. He also expressed concern with planning for more than 50,000 people. He felt that the population should be limited to 50,000.

Vice-Chair Kriz indicated that inclusion of Area G2 was logical for pump sizing but not logical for flow.

Commissioner Molzahn indicated that it made more sense to include Area E2 and not Area G2.

Commissioner Roberts indicated that Area E2 was excluded based on most of the area being resource land.

Mr. Egner noted that Area E2 has the potential for a population of 1600 people.

Commissioner Roberts felt that preserving land for high intensity farm production should be the primary goal and the small acreage farmer would have to look out for himself.

Commissioner Molzahn felt that the Commissioners should tour the sites to see how much actual farming was occurring.

Vice-Chair Kriz indicated that the exceptions land were mostly designated for low density residential with a minimum size of 1 acre parcels. He indicated that density would take

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away from the rural nature of the site. He felt that the mistake of including the Werth property in the City by including EF-40 land should not be compounded.

Motion: Roberts-Post to recommend to the City Council that Area G-2 be excluded based on criteria 3 and 4. Motion carried by voice vote.

Area G-1 discussion:

Mr. Egner indicated that the area only includes resource land, would require pumping, and another pump station. He noted that the area boundary has been drawn based on serviceability.

Vice-Chair Kriz indicated that the property is primarily zoned AF-20.

Commissioner Roberts felt that small parcels could be recombined to recreate resource lands.

Mr. Egner noted that at some point LCDC or the state would be adopting a secondary lands process which will identify those lands which are not productive farm lands. He felt that most of the resource land in Yamhill County would not come under the secondary lands criteria.

Motion: Roberts-Post to recommend to the City Council that area G-1 be excluded based on criteria 3. Motion carried by voice vote.

Areas L and M:

Mr. Egner indicated that Areas L and M could be served by a new pump station in area L and primarily includes exceptions land.

Commissioner Roberts felt that most of area L is on the east side of Chehalem Creek and was mostly exceptions land. He felt that this area could be reasonably included. He indicated that construction of a school on the Crater lane site was not a good idea and he questioned expanding the availability of the land in that area.

The commissioners discussed the location of the Crater Lane school site and which portions of L and M should be included.

Motion: Roberts-Ring to include the portion of Area L on the SE side of the eastern Chehalem Creek drainage and to include Area M east of Chehalem Drive as one area to be known as Area L, based on criteria 2,3,4 and 6. Motion carried by voice vote.

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Commissioner Roberts reminded the Commission that they had already decided to have full joint review on each of these areas if they were to be included.

Mr. Egner reviewed the growth management options available to the City. He noted that options include urban reserve areas, future growth areas, exception area-shadow platting and the status quo. He recommended that the Commission continue with the URA process because it may give the City a head start if LCDC does implement a URA rule. He discussed the implications of land use restrictions under the proposed rule, including a prohibition against upzoning and a moratorium against land divisions if a URA is not established within 2 years.

Vice-Chair Kriz asked if the URA area would not be allowed to upzone until the area was within the UGB or city limits.

Mr. Egner indicated that was how he understood the proposed rule.

Steve Terjeson indicated that was not how he understood the proposed rule.

Mr. Egner indicated that the current zoning would take precedence over the comprehensive plan designation by limiting upzoning under LCDCs URA proposal to the current zoning designation. He indicated that at the current time the applicants for upzoning only have to satisfy the zone change criteria of the County to upzone.

Commissioner Roberts felt the Council should decide the concept title for the growth management material that is being discussed, and whether it should be called URA or future growth area.

Vice-Chair Kriz indicated that the Commission should give more specific direction to the Council.

Commissioner Roberts felt the areas should be growth management areas, that exception area-shadow platting is not strong enough and the status quo is not sufficient.

Commissioner Post agreed with the term future growth area.

Commissioner Molzahn felt the terms URA and future growth area were similar, but he was concerned about being the frontrunner of 8 cities which are being required to do this.

Mr. Egner noted that the City started doing this process before the proposed rule came up to enable the City to do some planning.

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Commissioner Molzahn felt it should be managed as more of a local control issue between the County and the City based on exception area-shadow platting.

Commissioner Roberts indicated that by selecting these areas it indicates that Newberg is going to be a contained entity with logical boundaries. He felt that implementing a URA or growth management area scenario would have a greater psychological effect than just implementing shadow-platting procedures.

Commissioner Kriz felt URA and future growth area denoted City control, and shadow platting or status quo denoted County control.

Vice-Chair Kriz felt implementing a future growth area was a good option.

Motion: Post-Ring to recommend to City Council that the approved areas be referred to as "future growth areas" further identified as areas into which the City intends to expand. The areas are identified in ten year increments. The County would be required to consider shadow platting criteria and management policies which may vary depending on when an area is to be included in the UGB. This is similar to the URA concept, but is not necessarily aligned with the LCDC proposed URA rule. Motion carried unanimously by voice vote.

Sequencing the areas was discussed next. Mr. Egner noted that Table C of the Staff Report identified a timing sequence for year of buildout. He reviewed the table and indicated that buildout of Area L would be at 2040.

Motion: Roberts-Post to adopt the timing sequence identified in table C with the addition of area L under 2040.

Commissioner Kriz expressed concern about the management policies which might limit the reorganization of the timing sequence.

Mr. Egner indicated that there could be a statement indicating that the table is only a guide and not to be considered as totally restrictive.

Vote on Motion: Motion carried by voice vote.

Mr. Egner indicated that growth management policies should be divided into joint authority over land use decisions including plan amendments and zone changes outside the city limits but within the UGB and future growth area and referral only on subdivision and partition review utilizing the proposed new review criteria.

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Commissioner Roberts disagreed and felt that the City and County should have joint review authority over all land use in the future growth areas. He felt that there should be a strong growth management control by the City.

Mr. Egner felt that development of strong shadow plat criteria would apply to the areas in which problems could develop.

Commissioner Roberts felt that the balance of power should be more on the side of the City rather than the County in these areas in which the City is anticipating growth.

Mr. Egner indicated that the City Planning Commission is not the County Planning Commission.

Commissioner Roberts felt that the City should have jurisdiction in these areas.

Mr. Egner reviewed the shadowplat criteria and indicated that the current list still needs refinement.

Vice-Chair Kriz felt that the criteria were still subject to revision and further review at the Council and Planning Commission levels.

Mr. Egner indicated that the criteria would certainly be able to be refined in the future. He recommended keeping joint authority for zone change/plan amend type decisions and go to criteria for referral for subdivision/partition applications. He noted that if the proposed DLCD rule does not include upzoning provisions, then joint authority for zone change/plan amendments was necessary.

CAP member Friedman asked what joint authority means and whether that mean that City staff could sign off on the project.

Commissioner Roberts indicated that it didn't necessarily mean the Planning Commission would be required to hear the issues, but that if City/County planning directors were required to sign off on a plat there would be appeal power.

Vice-Chair Kriz asked what currently happens in the UGB for land use actions.

Mr. Egner indicated that the hearing would be at the county level.

Motion: Roberts-Post to require joint city/county authority on major land use decisions which include plan amendments and zone changes outside the city limits but within the UGB and within the future growth area. Motion carried by voice vote.

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Motion: Roberts-Ring to require joint city/county authority on land development decisions including subdivisions and partitions. Vote on motion: Aye-Kriz, Post, Ring, Roberts; Nay-Molzahn. Motion carried (4-1).

Mr. Egner indicated that the review criteria were not complete yet and could be amended.

Motion: Roberts-Post to recommend to the Council that they adopt the draft review and shadow plat criteria as identified in the staff report. Motion carried by voice vote.

Vice-Chair Kriz expressed concern about the Newberg-Dundee corridor.

Commissioner Roberts expressed concern about the area also and would like to reopen the area to discussion.

Mr. Egner indicated that 2.5 acre parcels could be a good buffer between Newberg and Dundee.

Commissioner Post felt the community was supportive of a limit to development in the Newberg-Dundee corridor.

Mr. Egner noted that he is working with the county on shadow platting these parcels for future upzoning. He felt that some special policy should be put in place to retain the buffer effect with 2.5 acre parcels in the area and with shadowplatting to provide for future service in case of septic failures.

The commissioners discussed health hazard annexations due to septic system and well failures.

CAP member Friedman indicated that the County Sanitarian already did require sand filters on some of these sites.

Vice-Chair Kriz indicated that his intent in initiating the discussion was to institute joint discussion among all interested parties.

Motion: Roberts-Post to recommend as part of the growth management plan that the City explore mechanisms for a joint Dundee/Newberg/County cooperative planning process to guide the development of the Newberg/Dundee corridor and to maintain a buffer between the two areas. Motion carried by voice vote.

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VI. OLD BUSINESS:

Mr. Egner updated the Commission on the Council's review of the transportation system development charge and the transportation plan.

Vice-Chair Kriz indicated that development of the transportation plan was a fascinating process and will be very useful for Newberg.

VII. NEW BUSINESS:

Roberts indicated that tonight's decision about growth management should enable the commission to send a directive to the School District relating to the proposed location of the Crater Lane site.

Mr. Egner indicated that a representative from the School District could be invited to discuss the Crater site with the Commission.

The Commissioners generally concurred.

VIII. ADJOURN

There being no further business, the meeting was adjourned at 10:32.